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DOCKET NO. 53215

APPLICATION OF MONARCH UTILITIES I L.P. TO AMEND ITS CERTIFICATES OF CONVENIENCE AND NECESSITY IN HARRIS, LIBERTY, AND MONTGOMERY COUNTIES	§ § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS AND NOTICE AND PROPOSED PROCEDURAL SCHEDULE

On February 11, 2022, Monarch Utilities I L.P (Monarch) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12983 and sewer CCN No. 20899 in Harris, Liberty, and Montgomery counties. Monarch filed supplemental information on March 8, 2022.

On February 4, 2022, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the administrative completeness of the application and proposed notice by March 11, 2022. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information and, as detailed in the attached memoranda from Kathryn Eiland and Fred Bednarski, Rate Regulation Division, and Patricia Garcia, Infrastructure Division, recommends that the application is administratively complete. Staff’s recommendation on administrative completeness is not a comment on the merits of the application.

II. NOTICE

As detailed in the attached memorandum of Ms. Garcia, Staff recommends that Monarch proceed with providing public notice of its application to all landowners, neighboring utilities, political subdivisions, and other persons using the notice form provided by Ms. Garcia. Along with each individual notice, Staff recommends that Monarch provide an accurate map delineating the requested service area. Staff further recommends that Monarch publish notice of

the application once each week for two consecutive weeks in a newspaper of general circulation in Harris, Liberty, and Montgomery counties.

Once notice has been provided, Staff recommends that Monarch file proof of notice as detailed in Ms. Garcia’s memorandum, including an affidavit specifying the name and address of every person and entity to whom notice was provided, the date that the notice was provided, and a copy of the map provided with the notice. Monarch should also provide a publisher’s affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that Monarch use the attached notices and affidavits to meet these requirements.

III. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for Monarch to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties and published in a newspaper of general circulation	April 11, 2022
Deadline for Staff to file a recommendation on sufficiency of notice	April 25, 2022
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that Monarch be directed to provide notice as described in Ms. Garcia’s attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests an order consistent with these recommendations.

Dated: March 10, 2022

Respectfully Submitted,
**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Merritt Lander _____
Merritt Lander
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record on March 10, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Merritt Lander _____
Merritt Lander

Public Utility Commission of Texas

Memorandum

TO: Bradley Reynolds, Attorney
Legal Division

FROM: Kathryn Eiland, Financial Analyst
Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: March 11, 2022

RE: Docket No. 53215 - *No. 53215 – Application of Monarch Utilities I L.P. to Amend Its Certificates of Convenience and Necessity in Harris, Liberty, and Montgomery Counties*

On February 11, 2022, Monarch Utilities I L.P. (Monarch) filed an application to amend its water and sewer Certificates of Convenience and Necessity numbers 12983 and 20899 in Harris, Liberty, and Montgomery counties under Subchapter G of Texas Water Code Chapter 13.

We reviewed the answers provided to questions 28, 29, 30, and 31 of the application. We did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, we recommend that the Commission deem the application administratively complete from a financial perspective.

Public Utility Commission of Texas

Memorandum

TO: Brad Reynolds, Attorney
Merritt Lander, Senior Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: March 11, 2022

RE: Docket No. 53215 – *Application of Monarch Utilities I L.P. to Amend Its Certificates of Convenience and Necessity in Harris, Liberty, and Montgomery Counties*

On February 11, 2022, Monarch Utilities I L.P. (Monarch) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12983 and sewer CCN No. 20899 in Harris, Liberty, and Montgomery counties, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

The requested area includes 0 customer connections and approximately 1,437 acres, comprised of uncertificated area.

The application proposes the addition of approximately 1,437 acres to CCN Nos. 12983 and 20899.

The application indicates that the total acreage being requested is approximately 1,431 acres. Based on the mapping review by Dave Babicki, Infrastructure Division, it was determined the requested area is approximately 1,437 acres.

Based on the mapping review by Mr. Babicki, the maps submitted with Item 1 on February 11, 2022 are sufficient. Based on my technical and managerial review of the additional information filed by Monarch on March 8, 2022, I recommend that the application be deemed administratively complete. I further recommend that Monarch be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:
 - a. Cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area:
 - *City of Plum Grove*

- *City of Roman Forest*
 - *Coastal Water Authority*
 - *East Montgomery County Improvement District*
 - *Gulf Coast Authority*
 - *Harris County Flood Control District (FCD)*
 - *Liberty County Municipal Management District (MMD) 1*
 - *Plum Creek Fresh Water Supply District (FWSD) 1*
 - *Port of Houston Authority*
 - *Roman Forest Public Utility District (PUD) 3*
 - *Roman Forest PUD 4*
 - *San Jacinto River Authority*
 - *Quadvest LP (CCN Nos. 11612 & 20952)*
 - *T & W Water Service Company (CCN No. 12892)*
 - *Utilities Investment Company Inc. (CCN Nos. 12671 & 20765)*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Harris County Judge*
 - *Liberty County Judge*
 - *Montgomery County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *Harris-Galveston Coastal Subsidence District*
 - *Lone Star Groundwater Conservation District*
- d. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
- e. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <https://www14.tceq.texas.gov/iwud/index.cfm>.

- 2) Publish notice once each week for two consecutive weeks in a newspaper having general circulation in each county where the requested area is located. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Monarch must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.
- 3) Provide notice using the attached notice forms.

- 4) Provide a copy of the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners, and customers.
- 5) File in the docket a copy of notice and the map(s) deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.
- 6) Supplement the application with a copy of the approval letter for the plans for the water treatment plant and the distribution system from TCEQ once they are received. Monarch must file the approval letters prior to Staff making a final recommendation on the application.
- 7) When the sale is completed, Monarch must provide a copy of the wastewater permit transfer approval from TCEQ once it is received.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Monarch. Monarch will have 20 days from the receipt of the RFI to respond.

Notice for Publication

NOTICE OF APPLICATION OF MONARCH UTILITIES I L.P. TO AMEND ITS
CERTIFICATES OF CONVENIENCE AND NECESSITY NOS. 12983 AND 20899 TO
PROVIDE WATER AND SEWER UTILITY SERVICE IN HARRIS, LIBERTY, AND
MONTGOMERY COUNTIES, TEXAS

Monarch Utilities I L.P. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 12983 and CCN No. 20899 for the provision of retail water and sewer utility service in Harris, Liberty, and Montgomery counties, Texas.

The requested area overlaps the district boundaries of:

- Coastal Water Authority
- East Montgomery County Improvement District
- Gulf Coast Authority
- Harris County FCD
- Plum Creek FWSD 1
- Port of Houston Authority

If these districts do not request a public hearing, the Commission shall determine that the district is consenting to the Monarch Utilities I L.P.'s request to provide retail water and sewer utility service in the requested area.

The requested area includes 0 customer connections, is located approximately 3 mile(s) Southeast of downtown Roman Forest, Texas, and is generally bounded on the north by County Road 9026; on the east by Harris and Liberty County lines; on the south by 590 feet south from the intersection of State Highway 99 and Huffman Road; and on the west by East Fork San Jacinto River.

The requested area includes approximately 1,437 acres, comprised of uncertificated area.

The application proposes the addition of approximately 1,437 acres to CCN Nos. 12983 & 20899.

A copy of the map showing the requested area is available at: 1620 Grand Ave Pkwy, STE 140, Pflugerville, TX 78660.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area (“opt out”) within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner’s tract of land, landowner’s name, address, email address, and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

Notice to Neighboring Systems, Landowners, Customers, and Cities
NOTICE OF APPLICATION OF MONARCH UTILITIES I L.P. TO AMEND ITS
CERTIFICATES OF CONVENIENCE AND NECESSITY NOS. 12983 AND 20899 TO
PROVIDE WATER AND SEWER UTILITY SERVICE IN HARRIS, LIBERTY, AND
MONTGOMERY COUNTIES, TEXAS

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 20____

(Address)

(City State Zip)

Monarch Utilities I L.P. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 12983 and CCN No. 20899 for the provision of retail water and sewer utility service in Harris, Liberty, and Montgomery counties, Texas.

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If these districts do not request a public hearing, the Commission shall determine that the district is consenting to the Monarch Utilities I L.P.'s request to provide retail water and sewer utility service in the requested area.

The requested area includes 0 customer connections, is located approximately 3 mile(s) Southeast of downtown Roman Forest, Texas, and is generally bounded on the north by County Road 9026; on the east by Harris and Liberty County lines; on the south by 590 feet south from the intersection of State Highway 99 and Huffman Road; and on the west by East Fork San Jacinto River.

The requested area includes approximately 1,437 acres, comprised of uncertificated area.

The application proposes the addition of approximately 1,437 acres to CCN Nos. 12983 & 20899.

See enclosed map showing the requested area.

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PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES

DOCKET NO. 53215

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities, landowners and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as _____ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

Notice Form Updated: September 17, 2021

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 53215

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____,

who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____